Amendment

JP1640

TOWNSEND and TOWNSEND and CREW LLP Atty. Docket No. 085760-000000US Two Embarcadero Center, 8th Floo San Francisco, CA 94111-3834 Date June 30, 1998 (415) 576-0200 JUL 0 6 **1998** In re application of MITSUHAR I hereby certify that this is being deposited with the United States Postal Service as first class mail in an envelope Appln. No. 08/805,813 addressed to: Filed February 26, 1997 Assistant Commissioner for Patents Washington, D. C. 20231. Group Art Unit 1649 For PATHOGEN-RESISTANT PLANTS AND METHOD Date: June 30, 1998 FOR PRODUCTION THEREOF THE ASSISTANT COMMISSIONER FOR PATENTS Washington, D.C. 20231 RECEIVED Sir: **JUL 1 0 1998** Transmitted herewith is an amendment in the above-identified application. GROUP 1800 [] Enclosed is a petition to extend time to respond. [] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted. A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed. Epple, et al., The Plant Cell, Vol. 9, 509-520 (1997) Translation into English of Japanese Pat. Appl. 8-068809 If any extension of time is needed, then this response should be considered a petition therefor. The filing fee has been calculated as shown below: OTHER THAN A (Col. 1) (Col. 2) (Col. 3) SMALL ENTITY **SMALL ENTITY** CLAIMS HIGHEST NO. REMAINING **PREVIOUSLY** PRESENT RATE ADDIT. RATE ADDIT. OR PAID FOR AFTER **EXTRA** FEE **FEE** AMENDMENT TOTAL **MINUS** ** x11 =\$ x22 =\$ INDEP. **MINUS** x41 =\$ x82 =\$ = [] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM +135= +270= \$ \$ TOTAL TOTAL \$ OR If the entry in Col. 1 is less than the entry in Col. 2, ADDIT. FEE write "0" in Col. 3. If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space. If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed. [] No fee is due. Please charge Deposit Account No. 20-1430 as follows: Claims fee [] [X] Any additional fees associated with this paper or during the pendency of this application.

TOWNSEND and TOWNSEND and CREW LLP

Reg. No.: 34,774 Kevin L. Bastian

Attorneys for Applicant

extra copies of this sheet are enclosed.

FJUL 1 0 1998 GROUP 1850

PATENT

fy that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks

Washington, D.C. 20231, on

Attorney Docket No. 085760-000000US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re a	pplication of:)	
MITS	UHARA, et al.)	Examiner: Nelson, A. Art Unit: 1649
Serial No.: 08/805,813)	AMENDMENT
Filed: February 26, 1997)	AWENDWIENT
For:	PATHOGEN-RESISTANT PLANTS AND METHOD FOR PRODUCTION THEREOF)))	

Commissioner of Patents and Trademarks Washington, D.C. 20231

Dear Sir:

The following is offered in response to the Office Action mailed March 31, 1998.

Reconsideration of the application is respectfully requested.

Please amend the application as follows.

IN THE CLAIMS

Please amend the claims as follows.

In claims 8-9, 13-14, and 16, in the first line, please delete "A" and insert therefor

--The--.